

C H A R L E S     A L P A U G H, produced as a witness on behalf of the state, being duly sworn according to law upon his oath testified as follows:

DIRECT EXAMINATION BY MR. SIMPSON:

Q   Where do you live Mr. Alpaugh?

A   Between Millstone and Weston.

Q   What is your occupation?

A   Station Master.

Q   You were down in the vicinity of this Easton Ave., and De Russey's lane on the 14th of September 1922, weren't you?

A   I was.

Q   What were you doing down there?

A   Well, I was driving through there.

THE COURT:   If you are not going to testify so people can hear you there is no use in your coming down here.

THE WITNESS:   Well, I was driving through there.

Q   On a bus or what?

A   Yes.

Q   About what time were you driving through the lane?

A   I wasn't driving through the lane, I was driving on the highway?



Q On Easton Avenue?

A Yes.

Q That is the highway that leads to New Brunswick?

A The highway that leads to Bound Brook.

Q And as you were on this highway did you see a Dodge Sedan anywhere?

A I did.

Q Where was it?

A Why, it was about 20 feet back facing Bound Brook near De Russey's lane.

Q Which street or highway was it on? Was it on De Russey's lane or on Easton Avenue.

A It was on the highway ---

Q What highway?

A Well, the highway between bound Brook and New Brunswick.

Q What do you call it?

A I don't know the name of it.

Q Did you see any people come down the bank?

A I did.

Q What people did you see come down the bank?

A Well, I was at a distance of this car here and the lights was out.

Q The Dodge Sedan the lights were off?

A Yes sir, and in facts it was off probably two hundred



feet. I had bright lights on my bus and as I appeared down over this little grade I seen a couple or three people slide down the bank close to this car.

Q Close to this Dodge Sedan?

A Yes sir.

Q Did you see whether they got in?

A No sir.

Q Were you close enough to describe them?

A I was not.

Q What time do you fix this occurred?

A As near as I can judge it was between five minutes of 12 and ten minutes after.

MR. STIMPSON: Cross examine.

CROSS EXAMINATION BY MR. PREIFFER:

Q Mr. Alpaugh, in which direction were you going?

A I was coming towards Bound Brook.

Q Toward Bound Brook from ---

A Brunswick.

Q From New Brunswick? A Yes sir.

Q Were you alone in the car?

A No sir.

Q Will you tell us who was in the car with you?

A I couldn't. I had a bunch of firemen.

Q About how many?



A Well, I imagine 25.

Q You mean firemen from the railroad?

A City firemen.

Q City firemen. Because there had been a firemen's day or something like that that day?

A Yes sir. At Red Bank.

Q At Red Bank? A Yes sir.

Q And they were firemen from where?

A Somerville.

Q And what kind of a truck was this that you had?

A This was a Public Service bus.

Q A Public Service Bus and it was filled with those men?

A That is right.

Q And were you sitting in the front seat and driving?

A I was.

Q Now, how do you fix the time? You say between five minutes of or after 12?

A Between five minutes of and ten minutes after.

Q Will you tell us just about how you fix that time?

A The reason why I fix it, I am not very familiar with the streets in New Brunswick, but I came in through--- I think through Old Bridge, and at the center there, at the crossing where the traffic cop is in Brunswick, I think there is a clock on a church or city



hall, or whatever it might be, and I happened to glance at that clock.

Q And it was about what time when you glanced at it?

A It a quarter to twelve, I think it was, at that time.

Q And you proceeded on out this road?

A Yes sir.

Q No, you said you don't know what the road's name is?

A At that time I did not.

Q You have subsequently found out what the name is?

A I haven't yet, no.

Q But it is the road which goes from New Brunswick to Bound Brook?

A The Bound Brook river road.

Q River Road?

A Yes, some people calls it.

Q It is frequently called the River road?

A Yes.

Q Now, will you just describe accurately again where it was that you had proceeded to when you saw the Dodge Sedan

A Just as I was coming down over the grade, there is a little grade there before you go up over the hill coming towards Bound Brook, there is a park on one side, there is a park there, and in fact probably



two hundred feet, because I had goodlights on my bus and the reason my attention was brought to this car had no lights on and my car showed up this car and it took a little attention --

Q With reference to the bridge which crosses the canal and river, where were you, do you know?

A I don't know that there is a bridge there.

Q Do you know now where the scene of this crime is?

A Just at the present time I couldn't show anyone.

Q Are you able to tell us approximately how far from the scene of the crime it was that you saw the Dodge Sedan?

A No.

Q Do you know how far from Buccelleugh Park it was you saw the sedan?

A I said I don't know the name of the park.

Q Well, the park, you yourself speak of the park, how far from the park was the sedan?

A This was De Russey's lane --

I found out afterwards, I didn't know the name of the street.

Q But you subsequently found it.

A Here there was a mail box. I took particular notice of that, and the little grade set probably 20 feet



back of that and there was a little sloped bank.

As my lights appeared over the hill and shown on this car I seen probably a couple or two people slide down to the side of the car.

Q Now, was the mail box on the right or left hand side of the road?

A Right hand side facing New Brunswick.

Q But as you were going it was on the left hand side?

A Left hand side of me, yes sir.

Q And the car, the dodge sedan that you saw was also on the left hand side?

A Left hand side facint -

Q And was off the road?

A Off, in fact the two wheels were just off the center of the road.

Q Off the center of the road?

A Off the center of the side of the road.

This is the road and two wheels, the right whells facing New Brunswick was just on the center, just a little bit on the highway.

Q So this Dodge Sedan was facing New Brunswick?

A Yes sir.

Q Were you able to tell the license number of the dodge?

A In fact, I would have been able to see them if I had



thought of anything at that time, certainly.

Q But you didn't notice the license number at all?

You saw how many people coming down the bank?

A I couldn't say whether it was two or three.

There was a couple. I think there was three but I

Couldn't say definitely.

Q And were they men or women?

A I couldn't say about that.

Q You couldn't tell whether one was a woman?

A No sir, I couldn't tell that.

Q Well, were either of the people -

Did you see Mr. Stevens or Mr. Harry Carpenter?

Will you stand up?

M.R. SIMPSON: I object to that as manifestly imbecilic. He says he could not identify the faces. This is for the dramatic effect of showing -

THE COURT: Just a moment please. He said he didn't know whether they were men or women.

MR. PFLEIFER: If your honor please, these defendants in this case. Have we not got a right to have them stand up?

THE COURT: Do you think it is worth while?



MR. PREITZER: I do think it is worth while.

THE COURT: All right.

MR. PREITZER: Mr. Stevens, will you stand up.

( Defendant Stevens arises.)

Q Are you able to identify Mr. Stevens as having been there?

A I am not.

MR. PREITZER: Sit down, Mr. Stevens. Mr. Carpenter, kindly stand up.

( Defendant Carpenter arises.)

Q Are you able to identify Mr. Carpenter?

A I am not.

Q Mr. Alpaugh, was the Dodge that you saw east or west of the lane?

A West.

Q It was west of the lane?

A Yes sir.

Q Why, about how far.

A Well, about as near as I can judge - I don't know just the distance, the mail box, but in fact, it was twenty feet from the mail box, somewhere around 20 feet.

Q Is that mail box still there?

A I couldn't say.



Q You have not been over the road recently?

A Yes, I have been over the road but I haven't paid any attention to the mail box ~~on~~ any car I seen.

Q Now, were there any other cars you saw along the road near there at that time?

A I seen a car about a couple of hundred feet back or probably just before I came over that other hill.

Q What kind of a car was that?

A That car also had the lights out. That drew my attention. In fact, I probably wouldn't have seen the Dodge being faced towards Bound Brook, it was pretty close to the side of the road and I noticed this car with the lights out.

By the Court:

Q What kind of a ~~car~~ was that first car?

THE WITNESS: Why, the first car I seen? as far as I could recall it was a Cadillac Coupe. In fact, I ~~then~~reason why I can recall I had one myself, not a coupe but a Cadillac of the same model. It was little green Cadillac, painted dark green.

Q As the person that you saw sliding down the bank, slid, were you able to observe their clothers at all?

A No.



Q Was it dark?

A It was dark.

Q Was there any moonlight at this time? A Not that I know of. In fact, there might have been.

Q But as far as you know there wasn't any?

A Not as far as I know.

MR. FREIFFER: That is all.

REDIRECT EXAMINATION BY MR. SIMPSON:

Q Now, the counsel has asked two men to stand up and asked you if you could identify them. You say you could not. You couldn't identify anybody, could you?

A No sir.

Q You don't know who the men were who got in the car?

A No sir.

Q Well, if these two men were at scene of the murder at the crab apple tree and if Henry Carpenter shot and killed these two people and if Willie Stevens was there and a woman was there that owned a Dodge Sedan, and they all ran and got down the bank and got in the Dodge Sedan, you couldn't identify them because you didn't see them?

MR. FREIFFER: I object to the question on the ground that it is obviously silly and got off for a purpose.



MR. SIMPSON: It isn't as silly as asking two men to stand up and asking the witness who says he cannot identify anybody, if he can identify them. Now, if he is going to make a grand stand play of that kind, we are certainly entitled to have the testimony cleared up. Manifestly if the woman owned that sedan -

MR. FREITHER: I object to speeches of what is not in the evidence.

THE COURT: Personally I think both questions were about equally silly, as far as that goes, because this witness testified positively he didn't even know if they were men or women. Then I permitted the question to go on by pressure of counsel. I didn't see the significance of this examination. This examination if for the purpose of the Court to pass upon the questions involved and I am satisfied as to what the situation is so far as this witness is concerned. I think we have gone into the examination far enough whether these defendants were not there or were there. It is obvious from the testimony of the witness that he would not know whether the two defendants were there or not because he said numerous times he did